

CHAPTER 75 (Revised 9/7/04)

CITY OF _____ PERSONNEL POLICIES

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Section I. Policies

A. Authority. These personnel policies and principles are established under the authority granted by A.S. 29.20.410.

B Application. These policies shall apply to all employees of the municipality and to the delegate agencies of the municipality which do not issue their own approved personnel policies.

C. Federal and State Law. It is the intent of these policies to comply with all federal, state, and local laws applicable to the municipality or its operations. If these approved policies conflict with any rules, regulations, or conditions prescribed by any funding source or regulatory body, those regulatory specifications shall prevail. The mayor or manager and governing body determine which regulatory specifications shall prevail and will determine which federal, state, or local regulations apply to programs. All applicable federal, state, or local laws presently in force or as passed or amended in the future that regulate wages, labor, working conditions, etc. are hereby incorporated into these policies.

D. Purpose. It is the purpose of these policies to establish a system of personnel administration based upon the merit principle and adapted to the requirements of the municipality to the end that persons best qualified to perform the functions of the municipality will be employed, and that an effective career service will be encouraged, developed, and maintained. The merit principle of employment includes the following:

1. Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge and skills, including open consideration of qualified applicants for initial appointment;
2. No person may be appointed to or removed from municipal office or employment or in any

way favored or discriminated against with respect to a municipal position because of race, religion, color or national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy, parenthood or unless otherwise contrary to law because of political opinions or affiliations when the reasonable demands of the position do not require distinction on the basis of age, physical handicap, sex, marital status, changes in marital status, pregnancy or parenthood.

3. Regular integrated salary programs based on the nature of the work performed.

4. Retention of employees with permanent status on the basis of the adequacy of their performance, reasonable efforts of temporary duration for correction of inadequate performance, and separation for cause.

5. Selection and retention of an employee's position secure from political influences.

E. Employment Preference. The municipality shall foster and promote the welfare of the wage earners of the municipality and advance their opportunities for profitable employment.

Section 2. General Provisions

A. Adoption and Amendment. These policies shall be adopted as an ordinance of the municipality. The governing body recognizes that amendment of these policies may from time to time be necessary. To that end these policies may be amended at any time following normal procedures for amending municipal ordinances. The governing body recognizes that these personnel policies are by no means all inclusive and that they are intended to promote better working conditions for municipal employees, better use of municipal resources and better municipal operations. To further these ends any municipal employee or resident may request personnel policy adoption or amendment is included on the agenda for any regular meeting of the governing body.

B. Personnel Officer. The manager or mayor is the chief administrative officer and personnel officer. As chief administrative officer he/she shall appoint, suspend, or remove municipal employees with the confirmation of the governing body. The manager or mayor as chief administrative officer shall ensure that these policies are enforced.

The manager or mayor may delegate personnel responsibilities and duties concerning personnel to subordinates for effective management with the understanding that this is not a delegation of ultimate responsibility for management.

C. Personnel Files

1 Central Personnel Files. The municipal clerk shall provide and maintain central files for records of the personnel and work histories of each employee of the municipality. Such records shall include the employee's original application, reports on the employee's work performance, disciplinary actions, commendations, and any other records relating to the employee's service to the municipality.

2. Accounting Personnel Files. The municipal clerk shall also provide and maintain personnel files for accounting purposes for each employee of the municipality. Such files shall include the employee's federal W-4, W-2, and I-9 forms and all records having to do with an employee's salary or compensation, and all other records necessary for accounting purposes.

3. Personnel Files - Confidentiality. All information in the personnel records of municipal employees and not otherwise protected under confidentiality laws showing salary or compensation, job description, education and training background, and previous work experience shall be open for public inspection. Access to all other information in an employee's file shall be

available only on a need to know basis and limited to the manager or mayor as personnel officer or his or her designee and the employee or the employee's authorized representative.

4. Equal Employment Opportunity Officer. The manager or mayor shall appoint a person on the staff to be the Equal Employment Opportunity Officer whose duties will be spelled out in all state, federal, or local laws dealing with Equal Employment Opportunity.

Section 3. Employment Limitations, Prohibitions, and Penalties

A. No Political Consideration for Employment. Employment with the municipality will not be offered as a consideration or reward for public office, nor may any person, as an employee, engage in partisan political activity. In certain instances, the governing body may grant a waiver to municipal employee(s) to engage in political activity if the political activity is determined beneficial to the municipality's goals and objectives.

B. No Advantage in a Position. No person may give, render, pay, offer, solicit, or accept any money, service, or other valuable things in connection with any appointment, promotion, or advantage in a position unless authorized by the governing body.

C. No Political Party Assessments. No person may require any assessment, subscription, contribution, or service for any political party from an employee.

D. No Political Party Endorsement. No person may seek or attempt to use any political party endorsement in connection with any appointment or promotion.

E. Equal Opportunity in all Personnel Management Actions. All training, development, assignment, promotion, and other actions must be taken without regard to race, religion, color or national origin, age, physical handicap, sex, marital status, changes in marital status, pregnancy, or parenthood when the reasonable demands of the position do not require distinction on the basis of age, sex, physical handicaps, or any other factor irrelevant to the quality of performances or the qualifications for a position.

F. Outside Employment. Outside employment by municipal staff must be reported to the manager or mayor and governing body and may, in certain cases, be prohibited.

Section 4. Classification, Compensation, Salary Schedules:

A. Position Roster. The municipal clerk shall keep a roster of all positions within the municipality. The roster will spell out the organizational structure of the municipality.

B. Job Classification. The governing body shall adopt a job classification system by resolution and may amend such system by resolution. The classification system shall include job descriptions defining each position in writing and assigning a pay grade to each position. The existence of a job description does not obligate the municipality to fill the position.

C. Changes in Duties and Responsibilities. The manager or mayor or an employee's supervisor shall recommend a redefinition of a job description to the governing body whenever a significant change is made in a position that adds, takes away, or substantially changes existing duties and responsibilities.

D. Temporary Service Outside of Classification. An employee may be required to assume the duties, responsibilities and workload of another employee or supervisor because of resignation, termination, or extended leave. Any service performed outside the employee's required duties in such a manner shall be recorded and filed in the employee's central personnel file. If such temporary assignment is to be regular and continuous in character for a period of one (1) month or longer, the governing body may authorize temporary additional compensation which amount shall be determined in direct proportion to the

additional duties, responsibilities, and workload.

E. Compensation Plan/Salary Schedules, Pay Grades, Merit System Plan. Following recommendations from the mayor and municipal staff the governing body shall adopt a compensation plan by resolution including salary schedules and pay grades, and may include a merit system plan, and such plan may be amended by resolution.

Section 5. Recruitment & Hiring of Personnel

A. Merit Principles Apply. All appointments and promotions of municipal employees are made on the basis of merit and fitness for the position. When required by law or by the governing body an applicant for a municipal position shall show merit and fitness for the position through proof of qualifications and/or by passing written, oral, or other examinations designed to evaluate the ability of the applicant to perform the duties of the position for which the examination is held.

B. Employment of Council Members. Elected officials may be hired by the municipality for temporary employment. Elected officials will be considered on the basis of merit with all other job applicants.

C. Posting of Job Openings. Notice of all job openings with the municipality shall be posted in at least three public places within the municipality. Notice shall include the job title, duties, minimum qualifications, rate of pay, and end of recruitment period. Notice shall be posted for at least two weeks (14 days) from the date of posting to the ending date of the recruitment period. Two weeks notice is not required for temporary positions that need to be immediately filled. Notice for such temporary positions shall, however, be posted in three places and include the job title, duties, minimum qualifications, rate of pay, and end of recruitment period.

D. Filing Applications. Applications for municipal positions shall be made on forms provided by the municipal clerk and must be filed with the municipal clerk on or prior to the closing date specified in the announcement. A resume' may be filed in addition to the application form.

E. Filling of Positions. The mayor or his designee shall make all appointments to permanent full-time, permanent part-time, and long-term temporary municipal positions. Appointments will be made on the basis of qualifications, education, experience, and merit. The mayor or his/her designee with the knowledge of the governing body shall make short-term temporary appointments and appointments in emergency situations.

1. All qualifications must be verified. Other qualifications being equal, preference in employment shall be given to a municipal employee seeking a promotion or transfer.

- 2 Information to New Hires. The mayor or his designee shall in writing advise all new appointees of their job title, job description, pay, benefits, personnel policies, the date of the employee's probationary period, and all other pertinent employment information. The employee shall acknowledge in writing that they have received this information.

3. Oath of Office. All permanent employees before entering upon the duties of office shall affirm in writing the following oath and affirmation:

"I ____ do solemnly swear (or affirm) that I will support the Constitutions and laws of the United States and the State of Alaska, and the laws and ordinances of the Municipality of _____, Alaska, and that I will honestly, faithfully and impartially discharge my duties as ____ to the best of my ability."

The oath is filed with the municipal clerk.

F. Promotion. Vacancies shall be filled by promotion whenever practical; however, filling a vacancy by promotion shall be done on an open, competitive basis. Promotion is the filling of a vacancy by the advancement of an employee from a position having a lower salary. The employee's anniversary date and original hire date, shall remain unchanged. An employee who is promoted shall receive a probationary appointment. The employee's former position will be held open by temporary appointment until such time as the employee completes the probationary period.

G. Probationary Period. The probationary period is an integral part of the selection process and shall be used for observing an employee's work, for ensuring an effective adjustment of the employee to the position, and for releasing any employee whose performance does not meet the required work standards.

1. Duration. Every original appointment and every promotional appointment of permanent employees is subject to a probationary period of three months from the date of appointment. Appointment for this section is defined as the date an employee first enters upon a job at the work site.

2. Completion of Probationary Period. The probationary period is a time of learning and orientation. An objective appraisal of employee performance shall be conducted at the end of the probationary period. It shall be the responsibility of the employee's supervisor or the mayor (if he/she is the supervisor) or the mayor's designee to provide a written evaluation and recommendation to the governing body whether the employee shall become a permanent employee with employee benefits, whether the probationary period shall be extended, or whether the employee shall be dismissed from his/her appointment. The municipal clerk shall give notice to supervisors of the expiration of employees' probationary periods and provide to supervisors performance evaluation forms for their use. If a performance evaluation is not completed by an employee's supervisor within 30 days after an employee has completed his/her probationary period the employee automatically becomes a permanent (either full time or part time) employee as of the date of the expiration of his/her initial probationary period.

3. Dismissal During Probationary Period. The mayor may dismiss a probationary employee at any time during the probationary period if, in the mayor's opinion, the working test indicates that the employee is unable to perform the duties of the position satisfactorily or that his/her habits and dependability do not merit continuance in the position. The employee so dismissed shall be notified in writing of the reasons for the dismissal. A permanent employee dismissed during the probationary period from a position to which he/she has been promoted or transferred and in which she/he is serving a probationary period shall be reinstated to the position from which he/she was promoted or transferred unless she/he is dismissed from municipal service for reasons as provided in these policies other than performing adequately at the new position. Dismissal is effective upon the employee's receipt of notice of dismissal in writing, or, if the employee is unavailable, upon posting of a letter of dismissal by certified mail, return receipt requested.

Section 6. Work Week, Pay, Classification of Employees.

A. Work Week. The normal work week for municipal employees is the hours and days contained in an individual employee's job description. These hours and days shall be flexible and may be modified by the mayor and governing body as circumstances and finances dictate in order to promote efficient municipal operation and provision of services to citizens.

B. Pay. Employees of the municipality shall be paid according to the schedules established by the governing body. Any wage or salary so established is the total remuneration for employment, but shall not be considered as reimbursement for official travel or other expenses which may be allowed for the conduct of official municipal business. Unless approved by the governing body no employee shall receive pay from the municipality in addition to the salary authorized for the position to which she/he has been appointed. Pay shall be only for hours actually worked according to an employee's time sheet as approved

by his/her supervisor.

1. Overtime. It is the policy of the municipality that work hours and work days be so scheduled that overtime not be paid. However, if circumstances do not permit such flexible scheduling, employees shall be compensated for hours worked beyond eight hours in a day and forty hours in a week at one and one half times their regular rate of pay. State and federal fair labor standards apply.
2. Pay Days. Employees shall be paid semi-monthly on the 15th and last days of the month. When a pay day falls on a Saturday, employees shall receive their pay on the preceding work day. When the payday falls on a Sunday employees shall receive their pay on the following work day. In special circumstances or for special projects the governing body may direct different pay periods.
3. Transfer. An employee transferred from one position to another where both positions have the same rate of pay shall be appointed to the same rate of pay held prior to transfer and his/her anniversary date shall remain unchanged. This will apply if any special knowledge of the position is not required.
4. Payroll Advance. A permanent employee may receive a payroll advance during a payroll period but before payday upon approval of three members of the governing body. A payroll advance will be for no more than the compensation owed for hours already worked. An advance shall be deducted from the employee's pay on payday.
5. Payroll Deductions. Payroll deductions as required by law will be withheld from each employee's paycheck. Any other payroll deductions must be authorized by the employee in writing.
6. Termination or Resignation. Upon termination or resignation, an employee shall receive payment for all accrued wages, salaries, or other compensation for labor or services less any personal obligations owed the municipality within one (1) working day after the last day of work.

C. Classification of Employees. Municipal employees are classified into the following categories:

1. Permanent full-time. These employees may accrue leave, and receive paid holidays and other municipal employment benefits. Their workweek is five or more hours per day, at least five days per week. Their jobs are of a continuous twelve months a year nature. Some salaried positions that are on call twenty-four (24) hours per day (such as the water plant operator) are included among permanent full time employees.
2. Permanent part-time. These employees may accrue leave and receive paid holidays and other municipal employment benefits if their jobs are of a continuous, twelve months a year nature, but the hours worked are normally less than five hours per day and/or five days per week.
3. Long term temporary. These employees accrue no leave and receive no paid holidays or other municipal employment benefits beyond any benefits that may be due them because of employer taxes paid by the municipality. Their workweek may be up to forty hours per week. These jobs are normally seasonal in nature and are of more than two weeks duration though normally not of more than five months duration. These jobs may recur yearly and are typically associated with special projects.
4. Short term temporary. These employees accrue no leave and receive no paid holidays or other municipal employment benefits beyond any benefits that may be due them because of employer taxes paid by the municipality. Their workweek may be up to forty hours per week.

These jobs are normally of less than two weeks duration. Typically these jobs openings occur because of leave, termination, or resignation of a permanent employee, or because of emergency or special conditions.

Section 7. Performance Evaluations.

A. This section applies to permanent full time and permanent part time positions.

1. Municipal Clerk's duties. It shall be the responsibility of the municipal clerk to give notice to employees' supervisors and the mayor or manager of the dates performance evaluations for employees are due. The municipal clerk shall provide supervisors performance evaluation forms for their use.

2. Supervisor's Duties. A performance evaluation report shall be required from an employee's immediate supervisor annually from the date of hire, promotion, or demotion of the employee. A performance evaluation shall also be rendered upon the completion of the three-month probationary period. A final performance evaluation shall be prepared within five working days of an employee's final day of work regardless of the reasons why an employee leaves municipal service.

Certain circumstances may require semi-annual or other periodic evaluations in order to provide better management of personnel who need more supervision or training. Meritorious performance by an employee may also warrant additional evaluation.

C. Performance Evaluation Record. All employees shall receive a written performance evaluation at the end of their probationary period and thereafter annually on the date the employee was appointed to permanent status.

1. In addition to rating the employee in terms of actual performance, the supervisor will include specific suggestions for improvements and thoroughly discuss each evaluation with the employee. Each Performance Evaluation Record is filed in the employee's personnel file.

2. Employees shall be rated on their performance evaluations according to the following criteria:

a. Outstanding: Distinguished performance. Employee consistently exceeds performance standards.

b. Excellent: Above average performance. The employee consistently achieves and frequently exceeds performance standards.

c. Acceptable: Adequate performance. The employee usually achieves performance standards; may occasionally exceed, or occasionally fail to achieve standards.

d. Unacceptable: Below average performance. The employee frequently does not achieve satisfactory performance standards. Improvement is necessary in order to achieve satisfactory performance.

D. Effect of Performance Evaluation:

1. Upon the recommendation of the supervisor and at the discretion of the governing body an employee who receives an outstanding or excellent rating on his/her performance evaluation may be granted a salary increase to the next step in the salary schedule adopted by the governing body.

2. An employee who receives an unacceptable performance evaluation has, after consultation with his/her supervisor, one month to correct his/her performance to acceptable levels. At the end of this month the supervisor shall prepare a performance evaluation rating the employee's performance. Failure of an employee to improve performance to acceptable levels after one month is grounds for dismissal from municipal service. If an employee achieves an acceptable rating on his/her performance evaluation after one month, he or she will be retained in municipal service and a performance evaluation performed after two additional months. An unacceptable performance evaluation after that two months is grounds for dismissal from municipal service.

Section 8. Resignation, Suspension, Layoff

A. Resignation. To resign from municipal employment in good standing an employee must submit a resignation at least two (2) weeks prior to resigning in writing to the mayor, manager, or supervisor stating the effective date of the resignation and reasons for leaving.

1. Upon approval of the mayor, or manager an employee may withdraw his resignation at any time prior to the effective date of resignation.
2. Upon approval of the governing body the requirement of proper notice may be waived when provision can be made for a capable successor to an employee in the period of time for which notice of resignation is given. The governing body may also waive proper notice in cases where there are extenuating circumstances such as medical reasons, or family obligations.
3. No form of resignation filed without a date or with a future date, and that is not intended to be a bonafide and voluntary resignation to be acted upon at the time of filing, shall be accepted by the mayor, manager, or supervisor as a resignation.
4. Failure by an employee to comply with proper notice of resignation may be considered cause for denying the employee future employment with the municipality.
5. Unauthorized absence from work for a period of two successive working days may be considered a resignation without proper notice resulting in cause for denying the employee future employment with the municipality.

B. Suspension. In addition to reasons for suspension of an employee from work as otherwise provided for in these Personnel Policies the mayor or manager may in cases in which signed charges in writing have been filed against an employee, suspend the employee with or without pay and with or without accrual of benefits for the purpose of conducting an investigation into the validity of the charges.

1. The employee shall be notified in writing of his/her suspension and its expected duration, which may be indefinite or until the charges are resolved. Such a suspension shall be made only in the cases in which the charges against the employee are of such a nature that the interests of the municipality would be seriously prejudiced by the employee continuing in active duty status while the investigation is conducted.
2. The governing body shall be informed of the suspension.
3. If the charges are found valid, the mayor or his designee shall take such steps, including dismissal or other disciplinary action, as he/she deems appropriate.
4. In all cases in which charges have been filed against an employee the investigation shall begin immediately.

C. Layoff. Nothing in these Personnel Policies guarantees employment. Budget constraints, natural disasters, mechanical failures, or other conditions may require the deletion of positions or layoff of employees either temporarily or permanently.

1. The mayor or her/his designee may layoff an employee if the employee's position is temporary; if there is a shortage of work or funds; or for other reasons which do not reflect discredit on the services of the employee.
2. If circumstances allow, permanent employees shall be given two (2) weeks notice of layoff. All employees shall be given as much notice of layoff as circumstances allow.
3. No permanent employee shall be laid off while there are probationary or temporary employees serving in the same job class. Probationary and temporary employees shall be first laid off and are to be notified of this upon hire. Such employees are deemed to have constructive notice of this information through these Personnel Policies.

Section 9. Dismissal, Disciplinary Actions

A. Dismissal. The following is a general listing of reasons that constitute grounds for dismissal of municipal employees. This list is not all-inclusive and complements other grounds listed in these Personnel Policies. Infractions not listed may be of such a severe nature that they also would justify dismissal. The steps of 'Procedures of Progressive Discipline' listed in Section 9, subsection C(2) of these Personnel Policies will be followed. Special projects may have special rules and grounds for dismissal, which shall be posted. By that posting employees are deemed to have knowledge of these special rules and grounds for dismissal.

1. Incompetence:

- a. Lack of basic knowledge, skills or physical ability needed to accomplish work the employee was hired to do.
- b. Inability to understand and/or follow instructions.
- c. Continual difficulty in learning and implementing new methods and procedures related to assigned duties.

2. Unsatisfactory Performance of Duties:

- a. Slovenly work.
- b. Flagrant damage to tools or equipment.
- c. Failure to produce an acceptable amount of work in relation to fellow employees in like classification.
- d. Disregard for established safety regulations and procedures.

3. Unexcused Absenteeism:

- a. Absence from work without prior approval.
- b. Arriving or returning late for work or leaving early from work.

4. Drunkenness:

- a. Reporting to work under the influence of alcohol or drugs.
- b. Use of alcohol beverages or drugs at work.

5. Dishonesty:

- a. Any act relating to employment that would signify an employee's word or intentions are not trustworthy.
- b. Being convicted of a felony or misdemeanor committed on or off duty, which would limit the ability to maintain a working relationship of mutual trust in a particular position.
- c. Taking municipal property or money or converting it to an employee's use.
- d. Falsification of time records or approval of time records known to be wrong.

6. Gross Disobedience:

- a. Failure to follow a supervisor's orders without reasonable explanation of actions.
- b. Refusal to obey such rules and regulations fostered by the state and the municipality as standard policy.

7. Abandonment of Duties. Being absent without approval or authority and not promptly notifying employer of supportable reasons for the absence.

8. Unsafe Operation. Negligence, carelessness, or unsafe operation of equipment or machinery at any time by any employee that endangers or injures himself/herself or others.

B. Notice. In all cases in which an employee is dismissed from municipal service, written notice of dismissal with the cause explained shall be served upon the employee. If the employee is unavailable because of absence from the municipality or work site the employee is deemed to have notice of dismissal upon posting of a letter of dismissal by certified mail, return receipt, requested to her/his last known mailing address.

C. Disciplinary Actions. It is the responsibility of the mayor, manager, and supervisors to maintain efficiency, cooperation, and safe and proper work conduct among employees while protecting the rights of all employees and promoting efficient municipal operation and provision of services to citizens.

1. If a situation requiring discipline occurs the mayor, his or her designee, or the immediate supervisor shall immediately gather all essential facts about the situation in writing including the employee's version and decide what, if any, disciplinary action is needed. If, in the opinion of the mayor, disciplinary action of a less severe nature than dismissal as provided for elsewhere in this section is required the 'Procedures of Progressive Discipline' shall be followed. The appropriate discipline is the least severe penalty that is at the same time severe enough to convince the erring employee that his/her behavior cannot be tolerated.

2. Procedures of Progressive Discipline:

a. Verbal Warning: Verbal warnings are given for minor infractions. The employee is given a verbal warning in private explaining what he/she did wrong and what must be done as a corrective measure. A written record is placed in the employee's central personnel file. This record may be removed from the file after six months by the mayor or manager if the employee's behavior improves. The employee is advised at the time of verbal warning that if there is a repeat of the behavior that required verbal warning, more severe action may be taken. The mayor, manager, or supervisor shall give verbal warning.

b. Written Warning: A written warning is more severe than a verbal warning. It is used for more serious offenses that call for more than a verbal warning. Written warning is also to be issued if there is a repeat of an infraction for which verbal warning was given within three months of the date of verbal warning. A copy of the written warning is placed in an employee's central personnel file and becomes part of the file. The mayor,

manager, or supervisor shall give written warning.

c. Suspension: Suspension is a very severe penalty. An employee may be suspended without pay and without accrual of benefits for one to thirty days. Suspension is used only when a major infraction has occurred or repeated warnings have not succeeded in bringing about changes in an employee's conduct. Repetition of an incident that required written warning within three months of the date of written warning is cause for suspension. The mayor, manager, or his/her designee, after a private interview with the employee, shall personally deliver a letter of suspension to the employee. The letter shall state the reasons for suspension and the dates on which suspension begins and ends. A copy of the letter shall be placed in the employee's central personnel file. If an employee is unavailable for personal delivery of a letter of suspension, notice shall be given by certified mail, return receipt requested sent to his/her last known mailing address.

d. Dismissal: Dismissal is the most severe disciplinary action. In addition to any reasons listed elsewhere in these ordinances, an employee may also be dismissed if within a six-month period after completion of suspension a disciplinary action becomes necessary.

Before dismissal an employee shall be given an opportunity for hearing. Hearing shall be before a neutral party, which may be the mayor, or manager, a committee of the governing body, or a designee, whichever best represents a neutral party. The employee may ask questions of any witnesses and may otherwise confront the evidence presented against him or her. Following the hearing the mayor, manager, or a designee shall prepare written findings, detailing any disciplinary action and the reasons for the action. The written decision shall then be personally delivered to the employee. If the employee is unavailable for personal delivery, the decision shall be sent by certified mail, return receipt requested, to his/her last known mailing address. A copy of the decision shall be placed in the employee's central personnel file.

D. Appeal: Every employee shall have the right to appeal any disciplinary action enforced against him/her which she/he believes to be unwarranted unfair or unjust. An appeal shall be treated as a grievance and shall be handled in accordance with the Grievance Policy and Procedure of Section 10 of these Personnel Policies.

Section 10. Grievance and Grievance Procedure

A. Grievance Policy: It is the policy of the municipality insofar as possible to prevent the occurrence of grievances and to deal promptly with those that occur. When any employee grievance comes to the attention of a supervisor or the mayor, or manager, he or she shall discuss all relevant circumstances with the employee, and his/her representative if he/she so desires, consider and examine the cause of the grievance, and attempt to resolve it to the extent that the mayor, manager, or supervisor has authority to do so. If the grievance is not dealt with satisfactorily at this level, the grievance may be carried to the governing body as provided in this section.

B. Grievance Procedure: Every employee shall have the right to grieve any action which he/she believes to be unwarranted, unfair, or unjust, providing, the alleged grievance shall be handled in accordance with the following procedures.

1. The employee shall first discuss with his or her supervisor (or attempt to discuss) his/her grievance. Should this fail to dissolve the grievance, the employee should confer with the mayor or manager. If this fails to dissolve the grievance, the employee may contact any member of the governing body and request a preliminary investigation to determine the validity of the

grievance.

2. The member contacted by an employee shall contact the mayor or manager. The mayor or manager shall appoint another member of the governing body to investigate the alleged grievance along with the first contacted member.

3. If in the opinion of the two investigating council members the grievance is of a critical nature needing immediate resolution they shall contact the mayor or manager who shall call a special meeting of the governing body to hear the grievance. If the grievance is not of a critical nature needing immediate resolution it shall be heard at the next regular meeting of the governing body. The employee shall be given notice in writing of the date, time, and place of the council meeting at which the grievance will be heard. At least 24 hours notice shall be given for a special meeting.

4. The governing body, meeting as the Grievance Committee, shall request the aggrieved party and all others concerned to appear before them for their investigations. Notice shall have been given these persons. If the aggrieved party, having been given notice, fails to appear before the governing body, the grievance is dissolved and the aggrieved party does not have standing to appear before the governing body on the same incident again. If the nature of the grievance is such that its discussion may tend to prejudice the reputation and character of any person a member of the governing body may move and the governing body after convening as a public meeting may vote to hold an executive session. An individual who is the subject of an executive session has the right to request the issue be heard in open meeting. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main question. No action may be taken at the executive session. After the reconvening of the public meeting if an executive session is held, or at the meeting after all testimony has been heard and evidence examined, the governing body shall make such resolution of the grievance as the governing body deems proper. The governing body's decision shall be final.

Section 11. Personal Leave:

A. Coverage: Permanent employees whose customary workweek is five (5) days per week are entitled to Personal Leave with pay. No other employees accrue Personal Leave.

No Personal Leave accrues to an employee during a probationary period unless the employee has transferred or been promoted from a position in which she/he had permanent status to a position in which the employee is serving a new probationary period. On the first day of the month following the date of successful completion of the probationary period an employee begins to accrue leave.

B. Accrual Rates: Personal Leave is the only leave accrued by municipal employees. Personal Leave is accrued at the following rates:

1. For the first three years of employment, permanent employees shall accrue Personal Leave at the rate of one and one quarter (1 1/4) days per calendar month worked. That is, fifteen (15) days per year.

2. Employees with three or more years of service shall accrue Personal Leave at the rate of one and three quarters (1 3/4) days per calendar month worked. That is, twenty-one (21) days per year.

C. Day of Personal Leave Defined: Personal Leave days accrued by employees are equal to the employee's normal workdays. That is, an employee who customarily works a six (6) hour workday accrues a six (6) hour leave day; an employee who customarily works a four (4) hour workday accrues a

four (4) hour leave day; etc.

D. Personal Leave and Scheduling: Personal Leave may be used for vacation time, sickness, subsistence activities, etc. Personal Leave is the employee's to use as he/she sees fit or circumstances dictate, and scheduling and efficient operation allow. An employee must in writing request Personal Leave from the mayor, manager, or supervisor and have it approved at least one week before the date leave is to begin. Shorter notice than one week may be allowed in special circumstances. The mayor shall make all efforts to assure that permanent employees are able to schedule and take accrued leave. Employees shall make all efforts to request and take accrued leave at such times as to least impact municipal operation and provision of services to citizens.

E. Personal Leave for Medical Cause:

1. When the mayor, manager, or his/her designee is satisfied that an employee is absent from work for valid medical cause, Personal Leave may be granted. An employee who is unable to attend work because of sickness or other medical cause and who has not requested Personal Leave in advance shall communicate his/her leave request to the mayor, or manager, or his/her designee as quickly as possible but no later than one half (1/2) hour after the time the employee was to have reported to her/his work site. In cases where an employee requests Personal Leave for more than three days for medical cause or sickness the employee may be required to furnish documentation of cause from a physician, dentist, health aide or other medical professional.

2. Personal Leave may be granted for illness within the employee's immediate family, which requires the attendance of the employee.

3. Personal Leave may be granted in cases in which a death has occurred in the family of the employee.

4. Approval of Personal Leave for bonafide medical cause shall not be withheld.

F. Maximum Accrual: Permanent employees are allowed to carry over up to thirty (30) days of unused Personal Leave from one calendar year to the next. An employee's unused Personal Leave in excess of thirty (30) days at the close of business on December 31 of any calendar year shall be canceled and voided.

G. Payment of Personal Leave upon Separation: An employee who separates from municipal service for whatever reason shall be paid the value of all unused Personal Leave to the employee's credit upon the date of separation unless otherwise provided for in these Personnel Policies. Payment shall be made within one working day after the employee's last day of work. Payment shall be less any obligations owed the municipality and appropriate payroll tax deductions.

Section 12. Other Leave:

A. Application: The provisions of this section apply to all permanent employees of the municipality whose customary workweek is five (5) days per week.

B. Court Leave:

1. A permanent employee who is called to serve as a juror or is subpoenaed as a witness shall be entitled to Court Leave.

2. Court Leave shall be supported by written documents such as a subpoena, court's statement of attendance and compensation for services, per diem, and travel.

3. A permanent employee shall receive his/her regular salary while on Court Leave, but any compensation for services shall be turned over to the municipality in return.

C. Election Leave:

1. A permanent employee who is appointed to serve as an election judge or otherwise assists in an election or whose attendance is requested or required at training for elections is entitled to Election Leave.

2. Election Leave shall be supported by written documentation such as a letter of appointment, or statement of compensation for services, per diem, and travel.

3. A permanent employee shall receive her/his regular salary while on Election Leave, but any compensation for services shall be turned over to the municipality in return.

D. Military Leave:

1. Permanent municipal employees are permitted fifteen (15) calendar days Military Leave each calendar year. Permanent municipal employees at their option may keep all pay given them by the Military or may turn their military pay over to the municipality and receive their regular salary. Permanent employees may also at their option take Personal Leave instead of Military Leave for military service and receive both their regular salary as well as their military salary for this period of time. Normally Military Leave is in addition to Personal Leave and will not subtract from an employee's Personal Leave accrual. An employee continues to accrue Personal Leave while on Military Leave.

2. A permanent employee shall be entitled to a Military Leave of absence without pay to serve on active duty in the Armed Forces of the United States and shall be entitled to the re-employment benefits of the Universal Military Service Act.

E. Maternity/Paternity Leave:

A permanent employee who has been employed for not less than ten (10) months is entitled to take a total of nine (9) weeks leave of absence immediately preceding and following the birth or adoption of an employee's infant child. This leave shall be charged first to Personal Leave then to Leave Without Pay. An employee who fails to return to work within the prescribed time limit shall be presumed to have resigned unless the employee has applied for and been granted Leave Without Pay for an additional period.

F. Leave Without Pay:

Leave Without Pay is approved absence from work. Except as otherwise provided for in these Personnel Policies, Leave Without Pay will normally not exceed two weeks in duration. An employee who has not accrued sufficient Personal Leave in order to be away from her/his job on approved Personal Leave with pay may, in writing, request from the mayor or manager a period of Leave Without Pay. The request should list the beginning and ending dates of the Leave Without Pay and the circumstances that require such status and should be submitted to and approved by the mayor or manager at least one week before the date leave is to begin. Shorter notice than one week may be allowed in special circumstances. An employee accrues no personal leave or other benefits while on Leave Without Pay status. Failure to return from Leave Without Pay within two days after the requested ending date of the leave, or absence from work without approval of the requested leave is grounds for dismissal as provided for in these Personnel Policies. Permanent Part Time, Temporary Long Term, and Temporary Short Term employees who do not earn and accrue Personal Leave are required to request Leave Without Pay if they expect to be absent from work. Unapproved absence from work by these employees is grounds for dismissal. In cases of

illness those employees who do not accrue leave are required to follow the procedures of section 11(E) and request Leave Without Pay for medical cause.

Section 13. Leave Holidays

A. Legal Holidays: Permanent employees who customarily work less than five (5) days per week, Probationary, Long Term Temporary, and Short Term Temporary employees do not receive paid holidays.

B. The following are legal holidays for which permanent employees who customarily work at least five (5) days per week receive a paid day off and which days the municipal offices will be closed:

New Year's Day - January 1
President's Day - the third Monday in February
Memorial Day - the last Monday in May
Independence Day - the fourth of July
Labor Day - the first Monday in September
Veterans' Day - the eleventh of November
Thanksgiving Day - the fourth Thursday in November
Christmas Day - the twenty-fifth of December

Every day designated by public proclamation by the President of the United States or the Governor of the State of Alaska or the mayor and governing body.

C. Observance:

When any of the holidays listed in subsection B falls on a Saturday the preceding Friday shall be observed as the holiday. When any of the holidays falls on a Sunday the following Monday shall be observed as the holiday. Permanent employees shall receive full pay for the holiday according to the customary daily hours they work. Permanent employees may be required to work on paid holidays when the nature of their duties or other conditions require. A permanent employee required to work on a holiday shall receive another day off within thirty (30) days thereafter.

Section 14. Travel, Per Diem, Subsistence

A. Travel: An employee's time spent at official conferences, meetings, or training sessions on the employee's customary work day shall be considered time worked and paid as the employee's customary work day. Reimbursements for travel outside the municipality shall be determined by the following guidelines:

1. An employee with approval of the mayor or manager may receive an advance for travel expenses. An elected official or designated representative of the municipality, with approval of the governing body, may receive an advance for travel expenses. Any advance received for travel expenses shall not exceed the expected per diem for the travel.
2. All official travel shall be approved in advance by the governing body.
3. An official, an employee, a designated representative, consultant or anyone else traveling at municipal expense is required to report to the governing body on her/his travel at the next regular meeting of the governing body following the traveler's return. If a traveler is called away from the municipality, or a consultant for example has returned to her/his home or office outside the municipality, he/she with the mayor or manager's approval may submit a written report to the governing body in lieu of personal appearance. Failure to report to the governing body by an individual upon return from travel is cause to deny further travel for that individual, or if the

individual represents a group within the municipality, is cause to deny further travel for that group.

4. Travel for an individual's convenience: If any individual travels on official business by an indirect route for his/her own convenience, any extra expenses caused by this indirect route shall be borne by him/her and reimbursement for expenses shall be based only on such charges as would have been incurred by traveling the normal route. Any additional time away from duty that may be required for such indirect travel shall be charged to Personal Leave or to Leave Without Pay.

5. Interruption of Travel: When there is an interruption of travel for personal convenience, the per diem allowed shall not exceed that which would have been incurred by uninterrupted travel.

6. Use of privately owned transportation: Where privately owned transportation is used for the convenience of any individual, reimbursement for transportation expenses shall be limited to what the lowest available fare would cost by common air carrier. Any additional time away from duty that may be required for such travel shall be charged to Annual Leave or Leave Without Pay.

7. Unused tickets: When an individual's travel is terminated short of the destination specified on the ticket, the individual shall turn in the unused portion of the ticket with the travel voucher.

8. Special conveyance: Hiring a boat, automobile, taxicab, aircraft or other public conveyance will be allowed if the use of such conveyance is authorized by the mayor or manager in advance and is deemed advantageous to the municipality and better enables an individual on municipal business to carry out official business.

B. Per Diem: Per diem is a guaranteed daily flat rate of payment to an individual on travel status for the municipality.

1. Per diem begins when an individual leaves the municipality for the purpose of travel on official business and ends upon the completion of official business at the time an individual could return to the municipality. The per diem rate shall be established by the governing body by resolution. Per diem is paid when an individual who is on travel status for the municipality must overnight elsewhere than his/her home. Any person on travel status for the municipality shall forfeit per diem for any period(s) of time he/she because of her/his own delinquency fails to attend to official business at such time as business could be conducted. Any such person shall be liable for repayment of per diem advances and/or airfares.

2. Calculation of Per Diem: For purposes of calculating per diem, the day is divided into four (4) equal quarters and ends at 12:00 midnight. These quarters are 12:01 a.m. to 6:00 a.m.; 6:01 a.m. to 12:00 noon; 12:01 p.m. to 6:00 p.m.; 6:01 p.m. to 12:00 midnight. An individual on travel status is paid a full day's per diem for the first day on travel status ending at midnight and either a full day's per diem or a pro rata by quarters per diem for succeeding days travel until the time the individual could return to the municipality upon completion of official business. For example: an employee boards a plane and leaves the municipality at 10:00 a.m. on Tuesday, and arrives at the final destination at 2:45 p.m. The employee attends a training session from 8:00 a.m. until 4:30 p.m. Wednesday and Thursday and on Friday the employee attends the training from 8:00 a.m. until its conclusion at noon. The next scheduled flight back to the municipality leaves Friday evening at 5:00 pm with one scheduled stop over that would have the employee home by Saturday at 11:15 a.m. The employee decides to interrupt travel for his/her own convenience on Friday and arrives back in the municipality at 2:30 p.m. on Monday.

The employee receives:

A full day's per diem for Tuesday (10:00 a.m. till midnight)
A full day's per diem for Wednesday (12:01 a.m. till midnight)
A full day's per diem for Thursday (12:01 a.m. till midnight)
A full day's per diem for Friday (12:01 a.m. till midnight)
one half day's per diem for Saturday 12:01 a.m. till 6:00 a.m. = 1/4, 6:01 a.m. till 11:15 a.m. = 1/4.
11:15 a.m. is the time the employee could have returned home.

In this instance the employee is paid for his/her customary workdays on Tuesday, Wednesday, Thursday, and Friday. The employee is on leave on Monday until the employee returns to his/her work site since the employee is traveling at his/her convenience at this time. The employee should have requested leave from the mayor or manager and approval of the interruption of travel for personal convenience before starting on the trip.

C. Subsistence: Subsistence may be paid instead of per diem when it is advantageous to the municipality and will not affect the well being of an individual on official business for the municipality. Subsistence may also be paid with the prior approval of the mayor or manager when actual costs as shown by receipts are higher than the per diem rate. Subsistence is the actual cost of lodging and meals, as proved by receipts, incurred by an individual on official business for the municipality.

D. Meal Allowance: In cases where an individual is on travel status for the municipality and is able to conduct municipal business and return the same day without the necessity of an overnight stay, reasonable meal allowances as established by the governing body by resolution or as proved by receipt may be paid by the municipality. An individual on travel status from 6:00 a.m. through 10:00 a.m. may be allowed a breakfast allowance. An individual on travel status from 10:01 a.m. through 2:00 p.m. may be allowed a lunch allowance. An individual on travel status from 4:01 p.m. through midnight may be allowed a supper allowance.